

### **REMARKS**

Claims 1, 2 and 7-17 are now pending in the application. Claim 1 is currently amended. Claims 3-6 have been withdrawn. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102 AND § 103**

Claims 1 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yamahira et al. (Japanese Pat. No. 08-162095). Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Yamahira et al. Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamahira et al. in view of Bito et al. (U.S. Pat. No. 5,474,861). These rejections are respectfully traversed.

JP08-162095 (hereinafter "095") states in its Abstract "a positive electrode mix is formed of a lithium composite oxide forming a positive electrode active material, a conductive agent, and a binder. As a conductive agent, 2-16wt.% of boron-contained graphite is contained in the positive electrode mix." On the other hand, claim 1 discloses "said positive electrode is formed from boronized graphite (a boronized graphitic material) containing boron or a boron compound". As such, the positive electrode is formed from boronized graphite only, which is active in charging-discharging reaction as opposed to the conductive agent of 095, which is boron-contained graphite. In this application, the boronized graphitic material means *boronized graphite* as described in the second paragraph of DETAILED DESCRIPTION.

Furthermore, 095 discloses in paragraph 13 that boron-contained graphite is a mass of fine grains of graphite to whose surfaces boron is sticking. However, a heat process is *not* applied to this graphite material, and thus, boronized graphite is *not* formed. The boronizing needs heat process of high temperature, e.g., 1400°C or higher as described in the appended reference, *"Effect of Hot-pressing Temperature on Sintering and Graphitization of Coke with B<sub>2</sub>O<sub>3</sub> Addition"*.

The following is a translation of paragraphs 13-15 of 095 for the Examiner's reference:

[0013] The boron-contained graphite is a mass of fine grains of graphite to whose surfaces boron is sticking. Such graphite is given oxidization-resistance by boron sticking to its surface and is hard to be oxidized even under high potential, thus maintaining good conductivity. Therefore, a battery using such boron-contained graphite as its positive electrode conductive agent keeps its internal resistance low since the conductive agent maintains good conductivity even with the battery voltage being high, and hence achieves a good cycle characteristic.

[0014] Preferably, the boron-contained graphite is a mass of grains of graphite having an average diameter of 50 μm or less and contains 2.5 to 4% by weight of boron in terms of B<sub>2</sub>O<sub>3</sub>. (For later part, refer to the translation by computer.)

[0015] The appropriate amount of this boron-contained graphite mixed into the positive electrode ranges from 2 to 16% by weight. If the amount of the boron-contained graphite is too small, the positive electrode does not have enough


conductivity. If too large, the amount of active material contained in the positive electrode becomes small, thus reducing battery capacity.

In view of the above amendment, applicant believes the pending application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 3557G-000044/US from which the undersigned is authorized to draw.

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Respectfully submitted,

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